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Fifty-second session

SUMMARY RECORD OF THE 52nd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 19 April 1996, at 3 p.m.

Chairman: Mr. VERGNE SABOIA (Brazil)

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GE.96-12810 (E)

The meeting was called to order at 3.25 p.m.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS CONCERNING AGENDA ITEMS 8, 23 AND 9 (continued)

CONSIDERATION OF DRAFT RESOLUTIONS CONCERNING AGENDA ITEM 8 (continued) (E.CN.4/1996/L.60, L.63/Rev.1, L.74 and L.76; E/CN.4/1996/2-E/CN.4/Sub.2/1995/51 (chap. IA, draft resolution I))

Draft resolution E/CN.4/1996/L.63/Rev.1 (Torture and other cruel, inhuman or degrading treatment or punishment)

1. Mr. FREDERIKSEN (Denmark), introducing the draft resolution, said that part A concerned the international legal instruments already in force to combat torture and other cruel, inhuman or degrading treatment or punishment and part B the activities of the Special Rapporteur on questions relating to torture. He emphasized that the draft resolution was sponsored by 44 delegations and expressed the hope that it could be adopted without a vote.

2. Mr. MÖLLER (Secretary of the Commission) announced that Andorra, Portugal, South Africa, the Republic of Korea and Argentina had become sponsors of the draft resolution.

3. Mr. BENITO (Financial Resources Management Service), explaining the administrative and programme budget implications of the draft resolution in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, informed the Commission that the activities provided for in part A of the draft resolution came within the mandate of the Committee against Torture and would be financed from the corresponding allotment. The activities provided for in part B should be funded by the sum of US$ 110,000 allocated under section 21 of the programme budget for the biennium 1996-1997.

4. Draft resolution E/CN.4/1996/L.63/Rev.1 was adopted.

Draft resolution E/CN.4/1996/L.74 (Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers)

5. Mr. COUVREUR (Belgium), introducing the draft resolution, said that it stemmed directly from the mandate with which the Special Rapporteur on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers had been vested by resolution 1994/41. In the preambular part, the sponsors referred, inter alia, to a number of international conferences and meetings which had recently taken place and which had highlighted the importance of that principle for the protection of human rights. In the operative part, the Commission took note of the second report submitted by the Special Rapporteur and urged all Governments to assist him by transmitting to him all the information requested. The draft resolution also contained provisions concerning the tasks entrusted to the Special Rapporteur, including examination of the serious allegations transmitted to him and the formulation of his conclusions thereon, the identification and registration of violations of the independence of judges and lawyers, as well as the progress made in protecting and strengthening

their independence by means of technical assistance and advisory services. He drew attention to two minor drafting changes. Firstly, the symbol E/CN.4/1996/37, which appeared at the end of paragraph 1, should be inserted at the end of the previous paragraph. Secondly, in paragraph 7, the word "notably" should be replaced by "for instance".

6. Mr. MÖLLER (Secretary of the Commission) announced that Honduras, the Czech Republic, Argentina, Spain, Greece, Slovakia, Benin, South Africa, the Netherlands, the Republic of Korea, Canada, Finland and El Salvador had become sponsors of the draft resolution.

7. Mr. BENITO (Financial Resources Management Service), explaining the administrative and programme budget implications of the draft resolution, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, said that the activities planned should be funded by the approximately US$ 58,000 allocated under section 21 of the programme budget for the biennium 1996-1997 and that no additional funds would be required if the draft resolution was adopted.

8. Draft resolution E/CN.4/1996/L.74, as orally revised, was adopted.

Draft resolution E/CN.4/1996/L.76 (The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms)

9. Mr. LILLO (Chile) said that the draft resolution was based on Commission resolution 1995/34 and on the report submitted to the Commission by the Secretary-General (E/CN.4/1996/29). The Commission would request States that had not yet done so, to provide information to the Secretary-General on the legislation already adopted, as well as that in the process of being adopted, relating to the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms. He announced that the words "entitled 'Question of the human rights of all persons subjected to any form of detention or imprisonment'" should be inserted at the end of paragraph 7 of the draft resolution.

10. Mr. MÖLLER (Secretary of the Commission) announced that Angola had become a sponsor of the draft resolution.

11. Draft resolution E/CN.4/1996/L.76, as orally revised, was adopted.

Draft resolution I recommended by the Sub-Commission to the Commission for adoption (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. IA) (Question of human rights and states of emergency)

12. Mr. BENITO (Financial Resources Management Service), explaining the financial implications of the draft resolution, said that the sum of US$ 15,000 had already been allocated under section 21 of the programme budget for the biennium 1996-1997. Consequently, no additional funds should be required if the draft resolution was adopted.

13. Draft resolution I was adopted.

Draft resolution E/CN.4/1996/L.60 (Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment)

14. Mrs. THOMPSON (Observer for Costa Rica), introducing the draft resolution, said that the open-ended working group would be requested to meet for a period of two weeks prior to the fifty-third session of the Commission in order to continue its work and to begin the second reading of the draft optional protocol to the Convention against Torture, with a view to the expeditious completion of a final and substantive text. She also said that the words "and to begin" in the third line of paragraph 2 should be replaced by "including the beginning of".

15. Mr. MÖLLER (Secretary of the Commission) announced that France, South Africa, Nicaragua, the United States of America, Greece and the Gambia had become sponsors of the draft resolution.

16. Mr. BENITO (Financial Resources Management Service) said that the activities of the working group would be funded by the Centre for Human Rights under the programme budget for the biennium 1996-1997. Consequently, the draft resolution ought not to entail any additional costs if it was adopted.

17. Draft resolution E/CN.4/1996/L.60, as orally revised, was adopted.

CONSIDERATION OF DRAFT RESOLUTIONS AND DECISIONS CONCERNING AGENDA ITEM 23 (E/CN.4/1996/L.55-L.57, L.66 and L.70/Rev.1; E/CN.4/1996/2-E/CN.4/Sub.2/1995/51 (chap. IA, draft resolution II, chap. IB, draft decisions 6, 7, 8 and 10))

Draft resolution E/CN.4/1996/L.55 (Working Group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994)

18. Mr. WILLIS (Australia), introducing the draft resolution, said that the Commission would recommend that the Working Group elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994 should meet for 10 working days prior to the fifty-third session of the Commission, and would recommend a draft resolution to the Economic and Social Council to that end.

19. Mr. MÖLLER (Secretary of the Commission) announced that El Salvador, Switzerland and Ecuador had become sponsors of the draft resolution.

20. Mr. ROSALES DIAZ (Nicaragua) said that, in the Spanish text, the word "poblaciones" in the second preambular paragraph should be replaced by "pueblos".

21. Mr. BENITO (Financial Resources Management Service) said that the activities of the Working Group would be funded by the Centre for Human Rights under the programme budget for the biennium 1996-1997. Consequently, no additional resources should be required if the draft resolution was adopted.

22. Draft resolution E/CN.4/1996/L.55, as orally revised, was adopted.

Draft resolution E/CN.4/1996/L.56 (International Decade of the World's Indigenous People)

23. Mr. WILLIS (Australia), introducing the draft resolution, said that the Commission would welcome the General Assembly's decision to adopt the programme of activities for the Decade and its affirmation of the adoption of a declaration on the rights of indigenous people as a major objective of the Decade. The Commission would also encourage Governments to support the Decade by contributing to the United Nations Trust Fund for the Decade and by making certain other provisions, in consultation with indigenous people. The Decade was an excellent opportunity to focus attention on the concerns and aspirations of indigenous people and to put an end to the marginalization from which they suffered. The draft resolution had been the subject of extensive consultations within the various regional groups, and his delegation hoped that it would be adopted by consensus.

24. Mr. MÖLLER (Secretary of the Commission) announced that El Salvador and Ecuador had become sponsors of the draft resolution.

25. Draft resolution E/CN.4/1996/L.56 was adopted.

Draft decision E/CN.4/1996/L.57 (Study on treaties, agreements and other constructive arrangements between States and indigenous populations)

26. The CHAIRMAN announced that draft decision E/CN.4/1996/L.57 had been withdrawn.

Draft decision 10 recommended by the Sub-Commission to the Commission for adoption (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. IB (Study on treaties, agreements and other constructive arrangements between States and indigenous populations)

27. Mr. BENITO (Financial Resources Management Service) informed the Commission that the sum of US$ 10,000 had been allocated under section 21 of the programme budget for the biennium 1996-1997 for travel by the Special Rapporteur to Geneva; the other activities called for by draft decision 10, including the specialized research assistance and field mission, whose cost was estimated at approximately US$ 15,000, should be financed from the allotment made under section 21 of the programme budget for the current financial year.

28. Mrs. FERRARO (United States of America) said that her delegation appreciated the importance of the issue and was concerned that the Sub-Commission had not been able satisfactorily to complete its study of it. Under the Sub-Commission's guidelines, studies should be completed within three years; however, the study in question had been under way since 1988. In addition, the Sub-Commission requested considerable special assistance for the Special Rapporteur, which her delegation believed to be inappropriate in view of the limited financial resources available to the other Special Rapporteurs. In spite of those serious reservations, her delegation would not stand in the way of a consensus for the adoption of the draft decision.

29. Draft decision 10 (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. IB) was adopted.

Draft resolution E/CN.4/1996/L.66 (Report of the Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities)

30. Mrs. WILSON (Observer for New Zealand), introducing the draft resolution, said that the Commission would express its appreciation and satisfaction to the Working Group on Indigenous Populations for its work and welcome its proposal to focus attention on the issue of indigenous people and health. In particular, her delegation drew the attention of the members of the Commission to paragraphs 7 and 9. It hoped that the draft resolution would be adopted without a vote.

31. Mr. MÖLLER (Secretary of the Commission) announced that Estonia, Honduras, the Russian Federation and Ecuador had become sponsors of the draft resolution.

32. Mr. BENITO (Financial Resources Management Service) said that the cost of the per diem allowance for the members of the Working Group on Indigenous Populations should be covered by the sum of US$ 16,000 allocated under section 21 of the programme budget for the biennium 1996-1997. Accordingly, no additional resources should be required if the draft resolution was adopted.

33. Draft resolution E/CN.4/1996/L.66 was adopted.

34. The CHAIRMAN said that draft resolution E/CN.4/1996/L.66, which the Commission had just adopted, replaced draft decision 7 recommended by the Sub-Commission to the Commission for adoption (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. IB) (Discrimination against indigenous peoples).

Draft resolution E/CN.4/1996/L.70/Rev.1 (A permanent forum for indigenous people in the United Nations system)

35. Mr. MIKKELSEN (Denmark), introducing the draft resolution, emphasized that it had been revised for purely editorial reasons. He noted with satisfaction that there was a growing number of sponsors from all regions. The purpose of the draft resolution was to strengthen and broaden the dialogue, on the basis of the results obtained at the General Assembly, at the Commission and at the workshop organized in Copenhagen in June 1995. He endorsed the idea put forward at Copenhagen that the Secretary-General should assess the existing mechanisms, procedures and programmes within the United Nations. That review was under way, and the sponsors hoped that its results, together with the report of the Copenhagen workshop, would make it possible to strengthen the dialogue on the establishment of a permanent forum. As the draft resolution had been the subject of expensive and open consultations, his delegation hoped that it would be possible to adopt it by consensus.

36. Mr. MÖLLER (Secretary of the Commission) announced that Finland had been one of the original sponsors of the draft resolution and that its name should appear on the document. Belgium, Ecuador, Peru and Latvia had become sponsors of the draft resolution.

37. Mr. BENITO (Financial Resources Management Service) said that the approximate estimated cost of the activities provided for in the draft resolution was US$ 30,000, which would be covered, as far as possible, using the funds allocated under sections 21 and 26 (e) of the programme budget for the biennium 1996-1997.

38. Draft resolution E/CN.4/1996/L.70/Rev.1 was adopted.

39. The CHAIRMAN said that draft resolution E/CN.4/1996/L.70/Rev.1, which had just been adopted, replaced draft decision 8 recommended by the Sub-Commission to the Commission for adoption (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. 1B) (Permanent forum in the United Nations for indigenous people).

Draft resolution II recommended by the Sub-Commission to the Commission for adoption (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. IA) (Protection of the Heritage of Indigenous Peoples)

40. Mr. SALGADO (Brazil) drew the Secretariat's attention to typographical errors in the title of the draft resolution as well as in the third line of paragraph 5 of the English version. The word "peoples" should be replaced by "people". His delegation hoped that the Secretariat would be able to correct those mistakes.

41. Mr. MÖLLER (Secretary of the Commission) said that the Secretariat could in no circumstances modify a text adopted by the Sub-Commission.

42. Mr. SALGADO (Brazil) said that he had every reason to believe that there was a typographical error. Resolution 1995/40 of the Sub-Commission, which was the basis for draft resolution II, was entitled "Protection of the heritage of indigenous people" in English.

43. The CHAIRMAN suggested postponing a decision on the draft resolution until the matter had been clarified.

44. It was so decided.

Draft decision 6 recommended by the Sub-Commission to the Commission for adoption (E/CN.4/1996/2-E/CN.4/Sub.2/1995/51, chap. IB) (United Nations Voluntary Fund for Indigenous Populations)

45. Mr. WILLIS (Australia) pointed out that General Assembly resolution 50/156 had been adopted pursuant to the recommendation contained in draft decision 6. For that reason, there was no longer any need for the Commission to take a decision on the matter.

46. The CHAIRMAN said he took it that, if there were no objections, the Commission did not wish to take a decision on draft decision 6.

47. It was so decided.

CONSIDERATION OF DRAFT RESOLUTIONS CONCERNING AGENDA ITEM 9 (E/CN.4/1996/L.49, L.50, L.53, L.62, L.72, L.73, L.77, L.79, L.82 AND L.83)

Draft resolution E/CN.4/1996/L.49 (The Olympic Ideal)

48. Mr. BOUCAOURIS (Observer for Greece), introducing the draft resolution, said that, following consultations, a number of changes had been made to the text. He read out the following new second preambular paragraph:

> "Recalling also the value of the equal right of men and women to the enjoyment of all economic, social and cultural rights and to the recognition of the right of everyone to take part in cultural life,".

He then read out the following new fifth preambular paragraph:

> "Taking into account, in particular, the sixth preambular paragraph of General Assembly resolution 49/29 of 7 December 1994,".

In paragraph 2, "contribute" should be replaced by "may contribute". In addition, the word "international" should be deleted before the words "olympic Ideal" in paragraph 4, and before the words "Olympic Games" in paragraph 5. Finally, in paragraph 6, the words "the Olympic Games" should be replaced by "the Olympic Movement".

49. Mr. MÖLLER (Secretary of the Commission) said that Algeria, Andorra, Argentina, Benin, Italy, Latvia, Madagascar, Malta, Nicaragua, Portugal, the Republic of Korea, Romania, Slovakia, Slovenia, Spain, The Former Yugoslav Republic of Macedonia, Togo, and the United States of America had become sponsors of the draft resolution.

50. Draft resolution E/CN.4/1996/L.49, as orally revised, was adopted.

Draft resolution E/CN.4/1996/L.50 (Preparations for the fiftieth anniversary of the Universal Declaration of Human Rights)

51. Mr. WORONIECKI (Observer for Poland), introducing the draft resolution, together with a revised version which had been negotiated and approved by all the sponsors, said that even though the anniversary of 10 December 1998 was still some time ahead, it was appropriate to recall that the work which had led to the adoption of the Universal Declaration had begun exactly 50 years previously, with the election by the Economic and Social Council of the first members of the Commission on Human Rights. In 1996, after 186 Member States, representing 5 billion human beings, had signed the Declaration, the actual scope of that contribution could be measured. There was no other sphere of United Nations activity in which the organization's standard-setting work had been so significant and in which the tasks ahead were so numerous and urgent. For that reason, the draft resolution proposed to harness the energy of all the States Members of the United Nations, not to celebrate achievements

but to respond to the expectations of those whose rights were being violated or were not yet fully respected. His delegation hoped that it would be possible to adopt the draft resolution by consensus.

52. Mr. MÖLLER (Secretary of the Commission) announced that Canada, Pakistan, the Czech Republic, The Former Yugoslav Republic of Macedonia, Mexico, Italy, Greece, Ethiopia, Togo, Benin, Madagascar, Denmark, Bangladesh, France, India, the Philippines, Sri Lanka and Austria had become sponsors of the draft resolution.

53. Draft resolution E/CN.4/1996/L.50 was adopted.

54. Mr. DE ICAZA (Mexico) failed to see why his delegation had only just received the text of an amendment to the draft resolution just adopted.

55. Mr. KUZNIAR (Observer for Poland) said that his colleague Mr. Woroniecki had mentioned a revision of the text when he had introduced the draft resolution.

56. Mrs. GHOSE (India) confirmed that revision had been mentioned when the draft resolution had been introduced. Moreover, it was thanks to that revision that India had been able to become a sponsor of the draft resolution.

57. Mr. DE ICAZA (Mexico) pointed out that it was customary in the Commission for delegations that wished to amend a draft resolution or decision to read out the amendment. His delegation did not wish to delay the work of the Commission needlessly, although if it had been aware that the text adopted had been revised, it would not have been able to become a sponsor.

Draft resolution E/CN.4/1996/L.53 (The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS))

58. Mr. TYSZKO (Observer for Poland), introducing the draft resolution on behalf of the sponsors, said that it referred to recent facts or developments, such as the new Joint United Nations Programme on HIV/AIDS (UNAIDS) and the report of the Secretary-General of the United Nations on human rights and HIV/AIDS (E/CN.4/1996/44), and to the preparations for the second expert consultation on human rights and AIDS, due to be held in July 1996.

59. In the operative part, which repeated previous resolutions, it was proposed that efforts should be continued towards the elaboration of guidelines on protecting human rights in the context of HIV/AIDS. The Secretary-General would also be requested to prepare a final report on those guidelines, including the outcome of the second expert consultation on human rights and AIDS, and on their international dissemination. Finally, the Joint United Nations Programme on HIV/AIDS (UNAIDS) should continue the process of incorporating a strong human rights component in all its activities and cooperate closely with the Centre for Human Rights. His delegation hoped that the draft resolution, which had been prepared in consultation with all the parties concerned, would be adopted by consensus.

60. Mr. MÖLLER (Secretary of the Commission) said that Angola, Canada, Costa Rica, France, South Africa and the United Kingdom of Great Britain and Northern Ireland had become sponsors of the draft resolution.

61. Mr. van WULFFTEN PALTHE (Netherlands) said that his delegation had not wished to become a sponsor of the draft resolution as it made no reference to the restrictions imposed by many countries on persons infected by HIV or suffering from AIDS who wished to enter them.

62. Draft resolution E/CN.4/1996/L.53 was adopted.

Draft resolution E/CN.4/1996/L.72 (United Nations Decade for Human Rights Education)

63. Mr. GUILLERMET (Observer for Costa Rica), introducing the draft resolution, said that Japan and Kenya had become sponsors. The proposed text, which referred to a number of resolutions relating to human rights education, and in particular to General Assembly resolution 49/184, which had proclaimed the 10-year period beginning on 1 January 1995 the United Nations Decade for Human Rights Education, was based on the mandate with which the High Commissioner for Human Rights had been vested to coordinate the implementation of the Plan of Action for the Decade. Finally, in order fully to address the issue, the second preambular paragraph of the draft resolution referred to article 26 of the Universal Declaration of Human Rights, which provided that education should be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. The importance of international cooperation in connection with the Decade and the responsibility borne by Governments in respect of human rights education were emphasized. His delegation hoped that the draft resolution would be adopted by consensus, as at the previous session.

64. Mr. MÖLLER (Secretary of the Commission) said that Denmark, Sri Lanka, Togo and Zimbabwe had become sponsors of the draft resolution.

65. Mr. JOUBLANC (Mexico) said that his delegation was able to support the proposed draft resolution, but that it would have preferred some of its concerns to be more adequately reflected, in particular in paragraphs 2 and 4. In paragraph 2 it would have been preferable to indicate that national plans for the Decade should be organized in full conformity with national legislation. As for the request made, in paragraph 4, to the human rights monitoring bodies, it could have been formulated more clearly to ensure they did not exceed their mandate.

66. Draft resolution E/CN.4/1996/L.72 was adopted.

Draft resolution E/CN.4/1996/L.77 (Human rights and thematic procedures)

67. Mr. VENERA (Observer for the Czech Republic), introducing the draft resolution, said that the text, which was based on resolution 1995/87, drew attention to the importance acquired in recent years by the thematic procedures among the human rights monitoring mechanisms. The draft resolution also emphasized the importance of Government cooperation with those

procedures. His delegation hoped that the draft resolution, which had been prepared in consultation with all the parties concerned, would be adopted by consensus.

68. Mr. MÖLLER (Secretary of the Commission) announced that Japan, Jordan and Luxembourg had become sponsors of the draft resolution.

69. Draft resolution E/CN.4/1996/L.77 was adopted.

Draft resolution E/CN.4/1996/L.79 (Human rights and terrorism)

70. Mr. GULDERE (Observer for Turkey), introducing the draft resolution, said that the text required a number of corrections. In the second preambular paragraph, "Noting" should be replaced by "Recalling". At the end of the third preambular paragraph, the words "held at Vienna from 14 to 25 June 1993," should be added. In the eighth preambular paragraph of the English version, the words "the fact" should be deleted from the first line.

71. Regarding the substance of the draft resolution, the proposed text did not challenge the right of peoples under colonial or alien domination or foreign occupation to resort to any legitimate means, in conformity with the Charter of the United Nations, to fulfil their inalienable right to self-determination as recognized in the relevant resolutions of the United Nations General Assembly. However, that principle could in no way authorize or encourage acts intended to undermine the territorial integrity or political unity of sovereign, independent States. His delegation paid tribute to the sense of compromise and cooperation shown by the sponsors of the draft resolution and all the delegations which had taken part in the consultations, in particular the delegation of Pakistan. He hoped that the Commission would adopt the draft resolution by consensus.

72. Mr. MÖLLER (Secretary of the Commission) announced that the Russian Federation, the Philippines, Sri Lanka and Uruguay had become sponsors of the draft resolution.

73. Mr. MEGHLAOUI (Algeria) said that his delegation supported the draft resolution. Nevertheless, the Commission should not content itself with requesting its subsidiary organs to examine the consequences of the acts, methods and practices of terrorist groups, but should clearly condemn such acts and urge States which took a different view to reconsider their position. However, his delegation wished to become a sponsor of the draft resolution.

74. Mrs. GHOSE (India) said that her delegation wished to become a sponsor of the draft resolution, which reflected some of its own concerns.

75. Mr. JOUBLANC (Mexico) said that Mexico strongly and unequivocally condemned terrorist acts, methods and practices, whatever the aim of the perpetrators. Such acts undermined the rule of law, democratic institutions and, in some cases, even the stability of States. Terrorism also frequently created situations in which the promotion and protection of human rights were jeopardized. However, terrorist acts were first and foremost serious offences which should be severely punished by the authorities of the countries concerned. His delegation was able to support the draft resolution, although

it regretted the link established between terrorist acts and human rights. It was also regrettable that terrorist acts were assimilated to human rights violations, rather than to criminal acts which were thus unlawful. It was by continuing to draw a conceptual and juridical distinction between terrorist acts and human rights violations, with their consequences, that it would be possible better to assist Governments and the international community to combat such crimes.

76. Draft resolution E/CN.4/1996/L.79, as orally revised, was adopted.

Draft resolution E/CN.4/1996/L.82 (Question of integrating the human rights of women throughout the United Nations system)

77. Mrs. BUCK (Canada), introducing the draft resolution, said that its purpose was to induce all the organs and mechanisms within the United Nations system systematically to take a gender perspective in the discharge of their mandates and to include in their reports information on violations of the fundamental rights of women.

78. The sponsors had made the following amendments to the draft resolution. After the fourth preambular paragraph, the following new preambular paragraph should be inserted:

> "Welcoming the successful convening of the Fourth World Conference on Women, held in Beijing from 4 to 15 September 1995, and the significant contribution the Conference has made to the promotion of the human rights of women and the girl child, and encouraging all States to take practical measures to implement the Beijing Declaration and Platform for Action,".

The following words should be added at the end of the fifth preambular paragraph: "and recalling resolution 40/... on mainstreaming the human rights of women, adopted by the Commission on the Status of Women at its fortieth session". In paragraph 3 of the English version, the words "into account in the implementation of" should be added after the words "regularly and systematically take a gender perspective". The following new paragraph should be inserted after paragraph 7:

> "Recalls that the Beijing Platform for Action urged States to limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women, formulate any such reservations as precisely and as narrowly as possible, ensure that no reservations are incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law, and regularly review them with a view to withdrawing them;".

The above new paragraph reiterated paragraph 230 (c) of the above-mentioned Platform for Action.

79. Mr. MÖLLER (Secretary of the Commission) announced that Turkey, New Zealand, Spain, Peru, Malaysia, France, Uruguay, Liechtenstein, Argentina, the Philippines, Sweden, Costa Rica, Benin, India, the United States of America, the Gambia, Cyprus, Austria, Nicaragua, Malawi, Italy, Zimbabwe, Mali, Venezuela and Belarus had become sponsors of the draft resolution.

80. Draft resolution E/CN.4/1996/L.82, as orally revised, was adopted.

Draft resolution E/CN.4/1996/L.83 (The elimination of violence against women)

81. Mrs. DION (Canada), introducing the draft resolution, said that the Commission called for the elimination of gender-based violence in the family and within the community. To achieve that, States were called on to implement the recommendations made by the Special Rapporteur on violence against women. The numerous delegations which had taken a constructive part in the preparation of the draft resolution, and in particular the delegations of the Republic of Korea and Japan, had agreed on a number of amendments.

82. The words "and to provide access to just and effective remedies and specialized assistance to victims;" should be inserted at the end of paragraph 4. In paragraph 6 "Welcomes" should be replaced by "Takes note of". The following amendment should be made to the first sentence of paragraph 8, before the words "taking into account": "Reminds Governments that their obligations under the Convention on the Elimination of All Forms of Discrimination against Women must be fully implemented with regard to violence against women,". The following insertion should be made at the end of the paragraph: "and calls upon those countries which are still not parties to the Convention to work actively towards ratification of or accession to it;". Finally, in paragraph 10, the words "in keeping with the recommendations of the Special Rapporteur in this regard" should be replaced by "taking into account the recommendations of the Special Rapporteur in regard to an optional protocol;".

83. Mr. MÖLLER (Secretary of the Commission) announced that Costa Rica, Luxembourg, the Netherlands, the United Kingdom of Great Britain and Northern Ireland, Australia, France, Ethiopia, New Zealand, the Philippines, Malaysia, Spain, Greece, Brazil, Italy, Uruguay, Liechtenstein, the Democratic People's Republic of Korea, Jordan, Sweden, Latvia, the United States of America, the Gambia, Nicaragua, India, Zimbabwe, South Africa and Venezuela had become sponsors of the draft resolution.

84. Mrs. JIMENEZ (Mexico) emphasized that State responsibility with regard to domestic violence by individuals and State responsibility for violations of the rights set out in the human rights instruments and committed by its officials or agents could not be put on the same footing. As the draft resolution took that concern into account, her delegation would support it.

85. Mr. BENITO (Financial Resources Management Service) said that the cost of the activities of the Special Rapporteur provided for in the draft resolution

should be met by the US$ 110,000 allocated under the programme budget for the biennium 1996-1997. Consequently, the draft resolution should not give rise to any additional costs if it were adopted.

86. Draft resolution E/CN.4/1996/L.83, as orally revised, was adopted.

Draft resolution E/CN.4/1996/L.62 (National institutions for the promotion and protection of human rights)

87. Mr. BARKER (Australia), introducing the draft resolution, said that the best means of strengthening protection for human rights was to establish appropriate national institutions. In the draft resolution, the sponsors emphasized the importance of the Commission on Human Rights and the Centre for Human Rights continuing to encourage the establishment and strengthening of independent and pluralistic national institutions for the promotion of human rights. In paragraph 19, the words "within existing resources" should be inserted after "convene,".

88. Mr. MÖLLER (Secretary of the Commission) announced that Togo, the Czech Republic, Mexico, Portugal, Norway, the Philippines, Sri Lanka, France, Madagascar, Angola and El Salvador had become sponsors of the draft resolution.

89. Mr. BENITO (Financial Resources Management Service) said that the fourth international workshop on national institutions for the promotion and protection of human rights provided for in paragraph 19 of the draft resolution should be funded by voluntary contributions. Consequently, if the draft resolution were adopted, that activity would have no financial implications for the regular budget.

90. Draft resolution E/CN.4/1996/L.62, as orally revised, was adopted.

Draft resolution E/CN.4/1996/L.73 (Human rights and mass exoduses)

91. Mr. TOUCHETTE (Canada), speaking on behalf of the sponsors of the draft resolution, who had been joined by the Netherlands, Nepal, Andorra, Norway, Finland, El Salvador, Germany, the Czech Republic, Australia, New Zealand, Greece and France, said that the purpose of the draft resolution was to encourage all United Nations agencies and Governments fully to cooperate in the implementation of the humanitarian early warning system and to strengthen emergency preparedness and response mechanisms, to adopt a comprehensive approach in order to address the root causes of the problem and to address the effects of movements of refugees and other displaced persons. The States parties to the 1951 Convention relating to the Status of Refugees were encouraged to provide information to the Office of the United Nations High Commissioner for Refugees in accordance with article 35 of the Convention.

92. He drew attention to a number of amendments to the draft resolution. In the eighth preambular paragraph, the words "in particular in the framework of tripartite agreements between the State of origin, the State of asylum and the Office of the United Nations High Commissioner for Refugees," should be inserted after the words "the monitoring of returnees,". In the twelfth preambular paragraph, the words "to report" should be replaced by

"to provide information"; at the end of the paragraph, the words "as was recalled in the General Conclusion of 1995 of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees," should be added. Finally, at the end of paragraph 15, the full title of the Convention should be replaced by "the Convention".

93. Mr. MÖLLER (Secretary of the Commission) announced that Latvia, Liechtenstein and Luxembourg had become sponsors of the draft resolution.

94. Mr. TOUCHETTE (Canada) said he believed that Latvia had decided not to sponsor the draft resolution.

95. The CHAIRMAN said that the matter would be clarified with the Latvian delegation.

96. Draft resolution E/CN.4/1996/L.73, as orally revised, was adopted.

The meeting rose at 6.10 p.m.